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JUL 08 2005

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Philip Kusk	:	
Application No. 09/889,491	:	<b>ON PETITION</b>
Filed: February 5, 2002	:	
Attorney Docket No. 8969-029	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 6, 2005, to revive the above-identified application.

In response to the final Office action mailed October 19, 2004, petitioner hereby submits \$750 for the petition to revive fee, \$395 for the filing of a Request for Continued Examination (RCE), an amendment, \$510 for a three (3) month extension of time, and the statement of unintentional delay as required by 37 CFR 1.137(b). As authorized, the above fees have been charged to petitioner's deposit account.

Since petitioner has met the requirements to revive this application, pursuant to 37 CFR 1.137(b), the petition is **GRANTED**.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$510 extension of time submitted with the petition on May 6, 2005 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being forwarded to Technology Center Art Unit 1634, for processing the Request for Continued Examination under 37 CFR 1.114, and for further review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy